

5/23/02

FACT SHEET

AMENDMENT TO FINAL AIR TOXICS RULE FOR PESTICIDE ACTIVE INGREDIENT PRODUCTION

TODAY'S ACTION

- The Environmental Protection Agency (EPA) is amending its rule to reduce toxic air emissions from pesticide active ingredient (PAI) production. This amendment changes the date that facility owners/operators would be required to be in compliance with the rule from August 22, 2002 to December 23, 2003.
- Toxic air pollutants, also known as air toxics, are those pollutants known, or suspected, to cause cancer and other serious health problems. Air toxics are emitted during the PAI manufacturing process, which consists mainly of chemical operations used to produce insecticide, herbicide, and fungicide pesticide products. These products are typically used in the agricultural industry for controlling insects, rodents, nematodes, fungi, weeds, or any other forms of life considered to be pests.
- Today's amendment will not change the requirement that new and existing major sources control air toxics emissions.

BACKGROUND

- Under the Clean Air Act, EPA is required to regulate emissions of 188 listed toxic air pollutants. The Act also requires EPA to identify industrial or "source" categories that emit one or more of these toxic air pollutants. For categories of "major" sources (those that emit 10 tons per year or more of a listed pollutant or 25 tons per year or more of a combination of pollutants), the Clean Air Act requires EPA to develop standards that require the application of stringent air pollution reduction measures known as maximum achievable control technology.
- EPA's published list of industry groups to be regulated (known as source categories) includes PAI production operations.
- EPA issued the final air toxics rule for PAI production in June 1999. Several petitioners, including the American Crop Protection Association (ACPA) and BASF Corporation filed petitions for judicial review of the rule.

- On January 18, 2002, EPA entered into a Settlement Agreement with ACPA and BASF Corporation. To fulfill the requirements of the settlement agreement, on March 22, 2002, EPA published a direct final and parallel proposal to amend the compliance date for the June 1999 rule.
- The other agreed upon rule amendments were proposed on April 10, 2002. The settlement agreement calls for EPA to take final action on those amendments by September 6, 2002.
- EPA received an adverse comment on the March 22, 2002 direct final rule to extend the compliance date, and withdrew it in on May 1, 2002. The Agency reviewed the adverse comment, and still believes that a compliance extension until December 23, 2003 is reasonable.
- PAI manufacturing operations covered by the air toxics rule are primarily chemical synthesis processes. The major air toxics to be controlled include methyl chloride, methanol, toluene, and hydrogen chloride. These pollutants can cause reversible or irreversible toxic effects following exposure.

WHAT THE AMENDMENT WOULD DO

- Today's action extends the compliance deadline of the final PAI air toxics rule in accordance with the settlement agreement between EPA and ACPA and BASF Corporation.

FOR MORE INFORMATION

- For further information about the action, contact Randy McDonald of EPA's Office of Air Quality Planning and Standards at (919) 541-5402.
- EPA's Office of Air and Radiation's home page on the Internet contains a wide range of information on the air toxics program, as well as many other air pollution programs and issues. The Office of Air and Radiation's home page address is: <http://www.epa.gov/oar/>.